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File 04M-9

13 September 1976

MEMORANDUM FOR: Deputy Director of Central Intelligence

INFO : Director of Personnel
Comptroller

FROM : Director, Equal Employment Opportunity

SUBJECT : Minority Employment in Excess of Ceiling

1. Former Director Colby's memorandum of 10 June 1976 (copy attached) on minority employment in excess of ceiling, while in some cases facilitating the hiring of minorities, has created a number of problems that require solution.

2. Theoretically, most managers agree that Mr. Colby's memorandum provides a flexibility that was not available previously. Yet these same officials are reluctant to put the provisions into use because of shortages of funds and the lack of understanding on how the excess personnel will ultimately be slotted. Moreover, many managers are unable to predict if they will be able to conform to ceiling at the end of the fiscal year when they must bring their strength to assigned levels.

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3. The problem is basically one of allocation of resources. We cannot ask a manager to hire someone in excess of ceiling without providing funds to pay salary. One possible solution to this difficulty is to create an undesignated category for the Age [redacted] and to place persons -- minority or otherwise -- hired in excess of ceiling in this grouping. This would pay salary and provide a slot, albeit a temporary one. If the office to which he/she was assigned did not achieve ceiling strength by the end of the fiscal year, the individual would remain undesignated.

4. Such a mechanism could be applied to overseas slotting as well. A unique problem which has come to the attention of Mr. [redacted] the Hispanic Program Coordinator, in this connection, is the need to assign a [redacted] that is up to strength and that will remain so for several years. If the

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mechanism mentioned in paragraph 3 could be put to use in this regard, the individual could be assigned to the station and could be carried in undesignated status until the station could subsume him.

5. Recommendation:

To resolve the above problems the Comptroller and the Office of Personnel should be requested to:

a. Provide procedures and funds to pay salaries for minorities hired in excess of ceiling by the various offices, staffs, divisions and components.

b. Provide slots for minorities hired until the hiring offices are able to subsume these individuals into their own T/Os. STATINTL


Director
Equal Employment Opportunity

CONCUR:

paragraph 5a:

E. H. Knoche
DDCI

paragraph 5b:

E. H. Knoche
DDCI

attachment:
memorandum

who keeps T & A's, etc.?

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Director of Personnel				27 SEP 1976	

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 FORM NO. 1-67 237 Use previous editions (40)

13 JUL 1975

REFERENCE

MEMORANDUM FOR: Director of Central Intelligence
FROM: Deputy Director for Administration
SUBJECT: Minority Employment in Excess of Ceiling

1. Action Requested: It is requested that you delegate to the Director of Personnel authority to allow the head of an operating component to temporarily exceed ceiling in those cases where qualified minority applicants could not otherwise be employed.

2. Basic Data or Background: We have noticed in the last two months that qualified minority applicants are being "rejected" by components because of ceiling restrictions. Included are individuals with rather impressive credentials and young black liberal arts graduates from good schools who have a good grade-point average. Six months ago they would have been seriously considered for employment, and many would undoubtedly have been put in process. We hope this situation will prove temporary. Under the new combined staff and contract manpower ceiling which will become effective 1 July 1975, there may be some room to maneuver. We are mindful, however, of the fact that qualified minority applicants are a "perishable" commodity because they usually have a choice of several good job offers. The chances are slim of recovering good applicants who have been rejected earlier.

Before a minority applicant is rejected, the file is reviewed one last time by the Director of Personnel. It is at this point that comments reflecting component interest "but for ceiling restrictions" can be noted. Several such cases have been noted recently. We believe it would be in the best interests of the Agency to hire such qualified minority applicants. It is imperative that we remove as many technical impediments to our EEO Program as possible, and component ceiling fits in this category.

I talked with John McMahon about this. He agrees:

- ① No over-riding or 30 Jan without special action involving employment
- ② Components must remain within ceiling as matter of principle

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3. Recommendation: We propose that the Director of Personnel be authorized to allow an operating component to temporarily exceed its ceiling in those situations where they have expressed a hiring interest in a qualified minority applicant but can proceed no further because of ceiling limitations. In such cases, the Director of Personnel will stress the obligation of a component to absorb the applicant within ceiling as soon as possible. Inherent in this recommendation is the possibility that a component hiring minority applicants under such conditions could, in fact, be over ceiling at the end of the fiscal year. We should also be aware that this course of action could be criticized as a conscious program of reverse discrimination. We feel, however, these risks are worth taking in our aggressive pursuit of affirmative action commitments.

/s/ John F. Blake
John F. Blake
Deputy Director
for
Administration

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APPROVED/

/s/ W. E. Colby

10 JUN 1975

Director of Central Intelligence

Date

Distribution:

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